

MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF CHULA VISTA

December 10, 2002

6:00 P.M.

A Regular Meeting of the City Council of the City of Chula Vista was called to order at 6:03 p.m. in the Council Chambers, located in the Public Services Building, 276 Fourth Avenue, Chula Vista, California.

ROLL CALL:

PRESENT: Councilmembers Davis, McCann, Rindone, Salas, and Mayor Padilla

ABSENT: Councilmembers: None

ALSO PRESENT: City Manager Rowlands, City Attorney Kaheny, and Deputy City Clerk Bennett

PLEDGE OF ALLEGIANCE TO THE FLAG, MOMENT OF SILENCE

SPECIAL ORDERS OF THE DAY

- INTRODUCTION BY CHRIS SALOMONE, DIRECTOR OF COMMUNITY DEVELOPMENT, OF THE EMPLOYEE OF THE MONTH, XAVIER DEL VALLE, COMMUNITY DEVELOPMENT SPECIALIST II

Community Development Director Salomone introduced Employee of the Month Xavier Del Valle, and Councilmember McCann presented him with a proclamation.

- PRESENTATION BY REPRESENTATIVES OF THE REGIONAL ECONOMIC DEVELOPMENT CORPORATION, JANE SIGNAIGO-COX, SENIOR VICE PRESIDENT AND PETE GARCIA, CHAIRPERSON OF THE WORKFORCE EDUCATION COMMITTEE, REGARDING CHULA VISTA ACTIVITIES

Jane Signaigo-Cox introduced Pete Garcia, who explained the Corporate Leaders Advocating Success Skills (CLASS) program.

PRESENTATION OF A PROCLAMATION BY MAYOR PADILLA TO JERRY FONCERRADA, DEPUTY DIRECTOR OF PARKS DIVISION, PUBLIC WORKS DEPARTMENT

Mayor Padilla read the proclamation. Councilmembers McCann and Rindone then presented the proclamation and a plaque to Jerry Foncerrada upon his retirement after 38 years of service to the City.

CONSENT CALENDAR
(Items 1 through 15)

1. APPROVAL OF MINUTES of November 11 and November 12, November 19, and November 26, December 3, 2002.

Staff recommendation: Council approve the minutes.

CONSENT CALENDAR (Continued)

2. RESOLUTION NO. 2002-490, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE SUBMITTAL OF TWO APPLICATIONS TO THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR THE FEDERAL FISCAL YEAR 2004/2005 HAZARD ELIMINATION SAFETY (HES) PROGRAM

The Hazard Elimination Safety (HES) Program provides funds for safety improvements on all public roads and highways except for the interstate system. These funds serve to eliminate or reduce the number and severity of traffic accidents at hazardous public roads and highway locations, sections, and elements. CalTrans regulations require that official applications be submitted in order for projects to be considered for funding. In order for an application to be official, the Council must adopt a resolution authorizing submittal of the federal fiscal year 2004/2005 HES program applications. Projects are chosen and then approved for funding after the applications have been evaluated by CalTrans. (Director of Public Works)

Staff recommendation: Council adopt the resolution.

3. RESOLUTION NO. 2002-491, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A RESTATEMENT AGREEMENT BY AND BETWEEN THE CITY OF CHULA VISTA, PACIFIC BAY PROPERTIES, AND CONTINENTAL RESIDENTIAL, INC., AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT

On March 16, 1999, the Council approved the subdivision improvement agreement (SIA) for improvements related to Rolling Hills Ranch (Salt Creek Ranch,) Neighborhood 2, Unit 7 and securing the duties and obligations of Pacific Bay Properties to complete said improvements. On March 28, 2002, McMillin Rolling Hills Ranch, LLC purchased said property from Pacific Bay Properties and sold it to Continental Residential, Inc. Pacific Bay Properties has requested that its bonds be released. This agreement to restate said SIA assigns all related duties and obligations from Pacific Bay Properties to Continental Residential, Inc. and secures the agreement with Continental's replacement bonds. (Director of Public Works)

Staff recommendation: Council adopt the resolution.

- 4 A. RESOLUTION NO. 2002-492, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING A \$378,000 GRANT FROM THE STATE OF CALIFORNIA E-911 REPLACEMENT FUND FOR POLICE COMMUNICATIONS CENTER TECHNOLOGY IMPROVEMENTS
- B. RESOLUTION NO. 2002-493, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AUTHORIZING PARTICIPATION IN THE STATE OF CALIFORNIA'S MASTER PURCHASE AGREEMENT NO. DGS-0026-(01-10) TO PURCHASE POLICE COMMUNICATIONS RELATED EQUIPMENT AND SOFTWARE

CONSENT CALENDAR (Continued)

The State of California has a program to fund the replacement of older E-911 telephone equipment that has been in use seven or more years. The Chula Vista Police Department is eligible for funding under this program, as our current equipment was installed in 1994. Features of the new E-911 technology will provide the Police Communications Center with much improved methods for handling wire-line based and wireless based 911 calls and routing service to the citizens of Chula Vista. (Chief of Police)

Staff recommendation: Council adopt the resolutions.

5. RESOLUTION NO. 2002-494, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA RATIFYING THE FIFTH AMENDED EMERGENCY SERVICES AGREEMENT

The Unified Disaster Council approved the fifth amended emergency services agreement and is requesting member agencies to ratify the agreement. The fourth amended emergency services agreement was ratified by the City Council on September 19, 1991. (Fire Chief)

Staff recommendation: Council adopt the resolution.

6. RESOLUTION NO. 2002-495, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA NAMING THE CHULA VISTA HERITAGE MUSEUM'S EXHIBITION AREA IN HONOR OF FRANK ROSEMAN

The Library recommends naming the exhibition area at the Chula Vista Heritage Museum in honor of Frank Roseman, a well-known Chula Vista resident who played an instrumental role in founding the Chula Vista Heritage Museum and who has dedicated many years of service to the community, museum and Chula Vista Public Library. (Deputy City Manager Palmer)

Staff recommendation: Council adopt the resolution.

7. RESOLUTION NO. 2002-496, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA EXTENDING THE TEMPORARY CLOSURE OF CENTER STREET AND A PORTION OF CHURCH AVENUE FOR THE DOWNTOWN FARMERS' MARKET FROM 2:00 P.M. - 8:30 P.M. ON THURSDAY AFTERNOONS FOR A TWO-YEAR PERIOD SUBJECT TO CONDITIONS OF APPROVAL

The Chula Vista Downtown Business Association has managed the downtown Farmers' Market on Thursday afternoons since 1996. The event is highly successful, providing a needed service, enhancing the City's cultural activities, and drawing more people to the downtown Third Avenue area. Adoption of this resolution allows the Farmers' Market to continue in its current location until December 31, 2004. (Director of Community Development)

Staff recommendation: Council adopt the resolution.

CONSENT CALENDAR (Continued)

8. RESOLUTION NO. 2002-497, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE EXECUTED MILLS ACT CONTRACTS BETWEEN THE CITY OF CHULA VISTA AND THE OWNERS OF THE HISTORIC PROPERTIES LOCATED AT 462 "E" STREET, 209 "I" STREET, 616 DEL MAR AVENUE, 382 DEL MAR AVENUE, 7 CRESTA WAY, 415 HILLTOP DRIVE, 190 "K" STREET, 292 SEA VALE STREET, 840 FIRST AVENUE, AND 671 FOURTH AVENUE, AND AUTHORIZING THE MAYOR TO SIGN SAID CONTRACTS

Adoption of the resolution approves the Mills Act contracts with property owners of historic homes who want to participate in the Mills Act program. Once the contracts have been executed and recorded, the properties will be eligible for tax credit in the upcoming year. (Director of Planning and Building)

Staff recommendation: Council adopt the resolution.

9. RESOLUTION NO. 2002-498, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ADOPTING THE CITY OF CHULA VISTA CAFETERIA BENEFITS PLAN FOR 2003

The Internal Revenue Code requires that employers offering cafeteria plans under Section 125 have a written plan document and that the employer adopt the plan document annually. Adoption of this resolution fulfills this requirement. (Director of Human Resources)

Staff recommendation: Council adopt the resolution.

10. RESOLUTION NO. 2002-499, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING EXTENSION OF THE MILITARY LEAVE POLICY APPROVED BY COUNCIL ON OCTOBER 9, 2001 FOR ALL CLASSIFIED AND UNCLASSIFIED EMPLOYEES THROUGH DECEMBER 31, 2003

On September 14, 2001, in the aftermath of the terrorist attacks, President Bush signed an order authorizing the military to call up 50,000 military reservists. As a result, the City Council approved a temporary military leave policy to insure that City employees who are called to active duty maintain their current level of pay and benefits. Adoption of this resolution extends the military leave policy for all classified and unclassified employees through December 31, 2003. (Director of Human Resources)

Staff recommendation: Council adopt the resolution.

11. RESOLUTION NO. 2002-500, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING AN OPEN SPACE ENCROACHMENT PERMIT TO THE YMCA OF SAN DIEGO COUNTY, SOUTH BAY BRANCH AT LOT 1, MAP 12341

The YMCA of San Diego County, South Bay Branch, applied for an open space encroachment permit to construct an egress driveway that occupies approximately 6,500 square feet of open space land at the south edge of Lot A on Map 12341 of Rancho Del Rey for the YMCA site, located at 1201 Paseo Magda. (Director of Building and Park Construction)

Staff recommendation: Council adopt the resolution.

CONSENT CALENDAR (Continued)

12. RESOLUTION NO. 2002-501, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A THREE-PARTY AGREEMENT BETWEEN THE CITY OF CHULA VISTA, BROOKFIELD SHEA OTAY LLC (APPLICANT), AND SCHMIDT DESIGN GROUP, INC. (CONSULTANT), FOR LANDSCAPE ARCHITECTURAL SERVICES, AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT

Brookfield Shea Otay LLC proposes to develop a neighborhood park within the Otay Ranch Village 11 project in satisfaction of the parkland obligation for the Village 11 project. To realize this neighborhood park, a landscape architectural design firm is needed to provide a neighborhood park master plan and construction documents. (Director of Building and Park Construction)

Staff recommendation: Council adopt the resolution.

13. RESOLUTION NO. 2002-502, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA SUPPORTING RENEWAL OF THE SOUTH SAN DIEGO RECYCLING MARKET DEVELOPMENT ZONE

The recycling market development zone provides low-interest loans and other recycling support services to manufacturers that use post-consumer feedstock in the manufacture of a product or that reduce waste in their existing manufacturing process. (Special Operations Manager)

Staff recommendation: Council adopt the resolution.

- 14 A. RESOLUTION NO. 2002-503, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ADOPTING A BOUNDARY MAP SHOWING THE BOUNDARIES OF THE TERRITORY PROPOSED FOR THE INCLUSION IN PROPOSED COMMUNITY FACILITIES DISTRICT NO. 08-I (OTAY RANCH VILLAGE SIX)

- B. RESOLUTION NO. 2002-504, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA DECLARING ITS INTENTION TO ESTABLISH COMMUNITY FACILITIES DISTRICT NO. 08-I (OTAY RANCH VILLAGE SIX) AND TO AUTHORIZE THE LEVY OF A SPECIAL TAX TO FINANCE THE ACQUISITION OR CONSTRUCTION OF CERTAIN PUBLIC FACILITIES

- C. RESOLUTION NO. 2002-505, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ORDERING AND DIRECTING THE PREPARATION OF A REPORT FOR PROPOSED COMMUNITY FACILITIES DISTRICT NO. 08-I (OTAY RANCH VILLAGE SIX)

- D. RESOLUTION NO. 2002-506, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA DECLARING ITS INTENTION TO ISSUE BONDS OF COMMUNITY FACILITIES DISTRICT NO. 08-I (OTAY RANCH VILLAGE SIX) TO BE SECURED BY SPECIAL TAXES LEVIED WITHIN SUCH DISTRICT TO PAY FOR THE ACQUISITION OR CONSTRUCTION OF CERTAIN FACILITIES

CONSENT CALENDAR (Continued)

The Otay Project, LP has requested that the City initiate proceedings to form Community Facilities District No. 08-I (Otay Ranch Village Six, CFD-08-I) for the purpose of financing the acquisition or construction of public facilities serving its properties within Village Six. Adoption of the resolutions approves a boundary map of CFD-08-I, declares the intent of the City Council to form CFD-08-I and designates the improvements therein, describes the improvements authorized to be financed by CFD-08-I, declares the intention of the City Council to authorize the levy of special taxes, declares the intention of the City Council to authorize CFD-08-I to incur a bonded indebtedness, directs the special tax consultant to prepare the special tax report, and sets the public hearing for this Community Facilities District for January 14, 2003. (Director of Public Works)

Staff recommendation: Council adopt the resolutions.

- 15 A. RESOLUTION NO. 2002-507, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE FINAL "B" MAPS OF CHULA VISTA TRACT NO. 02-05, OTAY RANCH VILLAGE SIX, NEIGHBORHOODS R-2A UNIT1/R-2B UNIT 1, R-5, R-9A UNIT 1; ACCEPTING ON BEHALF OF THE CITY OF CHULA VISTA THE EASEMENTS GRANTED ON SAID MAP WITHIN SAID SUBDIVISIONS; ACCEPTING ON BEHALF OF THE PUBLIC HILLSBOROUGH STREET, WIND CHIME DRIVE, GLENDORA DRIVE, BRADBURY DRIVE, LOKOYA DRIVE, SAN ANSELMO STREET, SAN PASCUAL STREET, GOLDEN GATE AVENUE, MOUNT TAMALPAIS STREET, MOUNT BULLION DRIVE, LITTLE LAKE STREET, WOODEN VALLEY STREET, VALLEJO MILL STREET, SUTTER BUTTES STREET AND POLO PEAK DRIVE; APPROVING THE SUBDIVISION IMPROVEMENT AGREEMENTS FOR THE COMPLETION OF IMPROVEMENTS REQUIRED BY SAID SUBDIVISIONS; AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENTS
- B. RESOLUTION NO. 2002-508, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE FINAL "B" MAP SUPPLEMENTAL SUBDIVISION IMPROVEMENT AGREEMENTS FOR CHULA VISTA TRACT NO. 02-05, OTAY RANCH VILLAGE SIX, NEIGHBORHOODS R-2A UNIT1/R-2B UNIT 1, R-5, R-9A UNIT 1, AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENTS

On March 26, 2002, the City Council approved a tentative subdivision map for Chula Vista Tract 02-05, Otay Ranch Village 6. On August 27, 2002, by Resolution No. 2002-344, the City Council approved Village Six "A" maps in Units 1 and 2. Adoption of the resolutions approves the first three final "B" maps within Otay Ranch Village Six, Neighborhoods R-2A Unit1/R-2B Unit 1, R-5, R-9A Unit 1, three subdivision improvement agreements and three supplemental subdivision improvement agreements. (Director of Public Works)

Staff recommendation: Council adopt the resolutions.

CONSENT CALENDAR (Continued)

ACTION: Councilmember Rindone moved to approve staff's recommendations, to amend Item #7 to reduce the timeframe for the extension from two years to one year while a new site is located, and offered the Consent Calendar, headings read, texts waived. The motion carried 5-0, except for Item #1, which carried 4-0-1 with Councilmember McCann abstaining.

ORAL COMMUNICATIONS

Virgil Pina stated that the City is not doing enough to provide safeguards for the homeless during the winter months. He expressed the need to establish a facility to offer job training and rehabilitation to the homeless. Mr. Pina stated that he plans to sleep outside on the asphalt for the next two to three days as a peaceful protest to improve the situation.

Matt Bodde, representing Western Pump Incorporated, spoke regarding a payment dispute with the City. He stated that Western Pump was hired by the City as a specialty contractor for the Corporation Yard petroleum fueling system. As a result of a meeting with City staff and the project management company regarding additional work for waste piping, Western Pump was led to believe that a change order had been issued by the City to proceed with the additional work. After completion of the work, the City informed Western Pump that the change order was denied. Mr. Bodde believed that Western Pump was misled by the City and that the company should be compensated in order to avoid arbitration. City Manager Rowlands referred the matter to City staff to arrange a meeting with Mr. Bodde to discuss the issue.

PUBLIC HEARINGS

16. CONSIDERATION OF ADOPTION OF AN URGENCY ORDINANCE AMENDING CHAPTER 17.10 OF THE CHULA VISTA MUNICIPAL CODE RELATING TO UPDATES IN THE PARKS ACQUISITION AND DEVELOPMENT FEES, AND ADOPTION OF AN URGENCY ORDINANCE AMENDING CHAPTER 3.50 OF THE CHULA VISTA MUNICIPAL CODE RELATING TO UPDATES IN THE PUBLIC FACILITIES DEVELOPMENT IMPACT FEES

On November 12, 2002, Council approved Urgency Ordinances No. 2886-A and 2887-A, which are effective for thirty days only. Urgency Ordinance No. 2886-A amended Chapter 17.10 of the Chula Vista Municipal Code, which contributes to an increase in the in-lieu fees for park development and land acquisition. Urgency Ordinance 2887-A amended Chapter 3.50 of the Municipal Code, adding a new recreation component to the Public Facilities DIF, updating the impact fee structure and increasing the fee. Adoption of proposed Urgency Ordinances 2886-B and 2887-B enables the City to continue to collect the updated fees during the 60-day waiting period before Ordinances 2886 and 2887 become effective. (Director of Budget and Analysis)

Notice of the hearing was given in accordance with legal requirements, and the hearing was held on the date and at the time specified in the notice.

PUBLIC HEARINGS (Continued)

Mayor Padilla opened the public hearing. There being no members of the public wishing to speak, he then closed the hearing.

ACTION: Councilmember Davis offered Urgency Ordinance Nos. 2886-B and 2887-B, headings read, texts waived:

URGENCY ORDINANCE NO. 2886-B, URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING CHAPTER 17.10 OF THE CHULA VISTA MUNICIPAL CODE RELATING TO UPDATES IN THE PARKS ACQUISITION AND DEVELOPMENT (PAD) FEES TO PAY FOR PARKLAND ACQUISITION AND VARIOUS PARK FACILITIES WITHIN THE CITY OF CHULA VISTA'S GENERAL PLAN AREA BOUNDARY

URGENCY ORDINANCE NO. 2887-B, URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING CHAPTER 3.50 OF THE CHULA VISTA MUNICIPAL CODE RELATING TO UPDATES IN THE PUBLIC FACILITIES DEVELOPMENT IMPACT FEES (PFDIF) TO PAY FOR VARIOUS PUBLIC FACILITIES WITHIN THE CITY OF CHULA VISTA'S GENERAL PLAN AREA BOUNDARY

The motion carried 5-0.

17. CONSIDERATION OF ESTABLISHING UTILITY UNDERGROUNDING DISTRICT NO. 134 ALONG EAST "L" STREET FROM MONSERATE AVENUE TO NACION AVENUE

On November 12, 2002, the City Council, by Resolution No. 2002-441, ordered a public hearing to be held on December 10, 2002 to determine whether the public health, safety or general welfare requires the formation of a utility undergrounding district along East "L" Street from Monserate Avenue to Nacion Avenue. The purpose of forming the district is to require the utility companies to underground all overhead lines and to remove all existing wooden utility poles within the proposed district. The proposed utility undergrounding district is about 2,050 feet long and is estimated to cost approximately \$400,000. SDG&E's allocation funds (Rule 20-A) will be used to cover the cost of the project, including reimbursements to affected property owners for their respective trenching cost. (Director of Public Works)

Notice of the hearing was given in accordance with legal requirements, and the hearing was held on the date and at the time specified in the notice.

Mayor Padilla asked staff to look for a way to coordinate the timing of the undergrounding with future street resurfacing projects to avoid the continuous tearing up and re-surfacing of streets. He asked staff to report back with a timeline for the resurfacing of the segment of "L" Street, from Monserate Avenue to Nacion Avenue.

PUBLIC HEARINGS (Continued)

Mayor Padilla then opened the public hearing.

Dan Schulte asked why the project is being proposed, stating that the existing light poles seem to be sturdy and are providing adequate street lighting. He expressed concern regarding an owner's responsibility for undergrounding utilities from the property line to the meter on the side of the house and believed that the utility companies should be responsible for the provision of utilities up to the meter. He also expressed concern regarding costs that would be incurred by the affected residents. He suggested that further details of the proposed project be provided in writing to the affected residents, and that staff contact and explain the proposed project to senior residents who are unable to leave their homes. Deputy Director of Public Works Swanson responded that state law requires utility companies to set aside funds to underground above-ground utilities, and the City is, therefore, taking the opportunity to obtain its share of the funds. He added that undergrounding also improves the aesthetics of the affected neighborhoods. With reference to owner responsibility, Mr. Swanson explained that property owners will be reimbursed for their portion of the work performed. Mr. Swanson said that City staff would contact Mr. Schulte to arrange a meeting with him and the residents to answer any questions.

Steve Molski expressed concern regarding the poor quality of the City's street paving and patching work and suggested that the City hire experienced contractors to do the work.

Linda Gilgin expressed concern regarding the costs that would be incurred by the residents. She spoke in favor of the undergrounding, stating that it would improve the aesthetics of the neighborhood.

Marvin Holloway stated that his home, located on the corner of Dell and Melrose, has been hit three times by vehicles as a result of poor lighting. He expressed concern about the removal of the light poles, which he believed could exacerbate the problem. He asked if the City would consider installing traffic signals at the top of the hill to help reduce speeding traffic. Mayor Padilla referred the matter to staff.

With no further members of the public wishing to speak, Mayor Padilla closed the public hearing.

ACTION: Councilmember Salas offered Resolution No. 2002-509, heading read, text waived:

RESOLUTION NO. 2002-509, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ESTABLISHING UTILITY UNDERGROUNDING DISTRICT NO. 134 ALONG EAST "L" STREET FROM MONSERATE AVENUE TO NACION AVENUE AND AUTHORIZING THE EXPENDITURE OF UTILITY ALLOCATION FUNDS TO SUBSIDIZE PRIVATE SERVICE LATERAL CONVERSION

The motion carried 5-0.

PUBLIC HEARINGS (Continued)

18. CONSIDERATION OF ESTABLISHING UTILITY UNDERGROUNDING DISTRICT NO. 135 ALONG EAST "L" STREET FROM BROADWAY TO THIRD AVENUE

On November 12, 2002, the City Council, by Resolution No. 2002-440, ordered a public hearing to be held on December 10, 2002 to determine whether the public health, safety or general welfare requires the formation of a utility undergrounding district along East "L" Street from Broadway to Third Avenue. The purpose of forming the district is to require the utility companies to underground all overhead lines and to remove all existing wooden utility poles within the proposed district. The proposed utility undergrounding district is about 3,900 feet long and is estimated to cost approximately \$700,000. SDG&E's allocation funds (Rule 20-A) will be used to cover the cost of the project, including reimbursements to affected property owners for their respective trenching cost. (Director of Public Works)

Notice of the hearing was given in accordance with legal requirements, and the hearing was held on the date and at the time specified in the notice.

Mayor Padilla opened the public hearing. With no members of the public wishing to speak, he then closed the public hearing.

ACTION: Councilmember Salas offered Resolution No. 2002-510, heading read, text waived:

RESOLUTION NO. 2002-510, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ESTABLISHING UTILITY UNDERGROUNDING DISTRICT NO. 135 ALONG EAST "L" STREET FROM BROADWAY TO THIRD AVENUE AND AUTHORIZING THE EXPENDITURE OF UTILITY ALLOCATION FUNDS TO SUBSIDIZE PRIVATE SERVICE LATERAL CONVERSION

The motion carried 5-0.

19. CONSIDERATION OF APPROVAL OF A PRECISE PLAN AND A PLANNED SIGN PROGRAM FOR A 6,600 SQUARE-FOOT SATELLITE RETAIL BUILDING IN AN EXISTING SHOPPING CENTER, LOCATED AT 1210 BROADWAY, SOUTHWEST CORNER OF OXFORD STREET

The applicant has requested approval of a Precise Plan pursuant to Municipal Code Sections 19.12.120, 19.14.570 through 19.14.580, and 19.56.040 through 19.56.048, which allow for deviations from the Zoning Code, as well as the Montgomery Specific Plan development standards, in order to add a 6,600 square-foot satellite retail building within an existing in-line retail shopping center. The proposed satellite building would include a Starbucks Café with an outdoor seating area and two new commercial tenants. The proposal also requires a Planned Sign Program, pursuant to Municipal Code Sections 19.60.220 through 19.60.250 and 19.60.490 through 19.60.520 for the existing and new signage being proposed. (Director of Planning and Building)

PUBLIC HEARINGS (Continued)

Notice of the hearing was given in accordance with legal requirements, and the hearing was held on the date and at the time specified in the notice.

Mayor Padilla opened the public hearing. There were no members of the public who wished to speak.

ACTION: Councilmember Davis moved to continue the item to the meeting of December 17, 2002, at the request of staff. Councilmember McCann seconded the motion, and it carried 5-0.

ACTION ITEMS

20. CONSIDERATION OF ADOPTION OF A RESOLUTION APPOINTING A REPRESENTATIVE AND ALTERNATE TO THE HEARTLAND COMMUNICATIONS FACILITY AUTHORITY COMMISSION

Heartland Communications has requesting that a member of the Chula Vista City Council be appointed to serve on the Heartland Communications Facility Authority Commission. The Heartland Communications Facility Authority is a regional 9-1-1 and emergency dispatch agency. (Fire Chief)

ACTION: Councilmember Rindone moved to appoint Mayor Padilla as Chula Vista's representative to the Commission. Councilmember McCann seconded the motion, and it carried 5-0.

ACTION: Councilmember Rindone moved to appoint Councilmember Salas as alternate to the Commission. Mayor Padilla seconded the motion and offered Resolution No. 2002-511, heading read, text waived:

RESOLUTION NO. 2002-511, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPOINTING A REPRESENTATIVE AND ALTERNATE TO THE HEARTLAND COMMUNICATIONS FACILITY AUTHORITY COMMISSION

The motion carried 5-0.

OTHER BUSINESS

21. CITY MANAGER'S REPORTS

There were none.

22. MAYOR'S REPORTS

A. Appointment of Mayor Pro Tem

ACTION: Councilmember McCann moved to appoint Councilmember Rindone as Mayor Pro Tem. Councilmember Davis seconded the motion, and it carried 5-0.

B. Consideration of City Council committee assignments

ACTION: Deputy Mayor Rindone moved to appoint Mayor Padilla as representative on the SANDAG Board. Councilmember McCann seconded the motion, and it carried 5-0.

ACTION: Mayor Padilla moved to appoint Councilmember Davis and Deputy Mayor Rindone as alternate representatives on the SANDAG Board. Councilmember Salas seconded the motion, and it carried 5-0.

Mayor Padilla announced that the balance of the regional committee assignments would be discussed at the Council Meeting of December 17, 2002.

23. COUNCIL COMMENTS

Councilmember Davis commented on the success of the recent inauguration ceremony and thanked staff for their hard work. She also congratulated Mayor Padilla on his election as Mayor.

Councilmember McCann also thanked staff on the success of the inauguration ceremony. He expressed his pleasure in working with his fellow Councilmembers and serving the community.

Councilmember McCann spoke regarding Agenda Items #17 and #18, expressing his pleasure at the commencement of the undergrounding of power lines and the need to look at future infrastructure projects in the older communities of the City.

Councilmember Salas congratulated the Downtown Business Association on the success of the recent parade.

Councilmember Salas invited the Council to attend a dedication ceremony by the Community Health Group of a public art piece by artist James Russell on Tuesday, December 17, 2002, at noon, to be held on the corner of J Street and Bay Boulevard.

Deputy Mayor Rindone congratulated Mayor Padilla on a well-conducted first meeting as Mayor of Chula Vista, and he congratulated Councilmember Salas on running a good race during the campaign process. He also congratulated Councilmembers Davis and McCann on their election to office.

Deputy Mayor Rindone inquired as to a timeline for the installation of the Opticom pre-empt indicators on the traffic lights located at the intersection of Broadway and F Street for the City's emergency fire trucks. City Manager Rowlands responded that installation of the signals was imminent.

CLOSED SESSION

24. PUBLIC EMPLOYEE PERFORMANCE EVALUATIONS PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 54954.5 (e)

Performance Evaluation for City Manager

ACTION: The evaluation was conducted.

25. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(A)

A. City of Chula Vista v. Guillermo Rodriguez, DDS, et al. - SDSC Case No. GIC781297 (consolidated with SDSC Case No. GIC781298-1)

ACTION: Direction was given to Counsel.

ADJOURNMENT

At 8:20 p.m., Mayor Padilla adjourned the meeting to the Regular Meeting of December 17, 2002, at 6:00 p.m. in the Council Chambers.

Lorraine Bennett, Deputy City Clerk